

REMARKS

Claims 1-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kasahara et al. in view of Okuzawa et al. The examiner is taking the position that Kasahara et al. discloses all of the basic structure and method of the claimed invention with the exception of the concept of providing an average value for the gradation level and emission rate. The examiner then refers to Okuzawa et al. as teaching an averaging circuit that averages a picture level. The examiner is equating the gradation level and emission rate to an way of displaying an image that is equivalent to the concept of picture level calculated by the APL calculation circuit 13b of Okuzawa et al. Applicant respectfully traverses the rejection.

Applicant notes that Okuzawa et al. appears to be directed to the same problem addressed by the instant application, however, that the use of the APL calculation circuit 13b, which calculates an average picture level from the pixel values for the entire pixels constituting one field, is not equivalent to providing an average value of gradation levels and an average emission rate as claimed. Accordingly, while it might be possible to combine the dynamic false contour detector 10 of Okuzawa et al. into the display device of Kasahara et al., applicant submits that such a combination would not yield the claimed invention.

Further, neither Kasahara et al. nor Okuzawa et al. discloses or suggests that a given level of gradation is displayed by timewise changing the emission pattern information as not set forth in the claims. Accordingly, the combination of references cannot support a finding of prima facie obviousness under 35 U.S.C. 103(a).

The examiner is respectfully reminded that the PTO has the burden of establishing a prima facie case of obviousness. Further, the PTO's own examination guidelines require that the examiner set forth a factual basis supported by sufficient reasoning as to why the combination of references would render the claims prima facie obviousness. In this case, such a factual basis has not been established.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

SEPTEMBER 2, 2008
DATE

Marc A. Rossi
MARC A. ROSSI
REG. NO. 31,923